

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DOMINIC PONTELLO,

Plaintiff,

v.

CASE NO.:

OCWEN LOAN SERVICING, LLC,

Defendant.

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Ocwen Loan Servicing, LLC (“Ocwen”), by and through its undersigned counsel, hereby gives notice of the removal of the above-styled action to the United States District Court for the Eastern District of Missouri, Eastern Division, and states as follows:

1. On or about January 4, 2018, an action was commenced in the Circuit Court of Saint Charles, Missouri by Plaintiff Dominic Pontello (“Plaintiff”). The action, entitled *Pontello v. Ocwen Loan Servicing, Inc.*, was assigned Case No. 1811-AC00088 (hereinafter referred to as the “State Court Action”).

2. Plaintiff served a Summons and Complaint (the “Complaint”) upon Ocwen on or about January 26, 2018, in the State Court Action.

3. The Complaint asserted a state law claim for invasion of privacy – intrusion by seclusion against Ocwen.

4. The Complaint also asserted a federal law claim against Ocwen. Specifically, the Complaint asserted a claim arising under the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 *et seq.*, based upon purported conduct by Ocwen in connection with the servicing of Plaintiff's mortgage loan account.

5. Accordingly, this is a civil action arising under the laws of the United States, over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331.

6. Removal of this action is therefore appropriate pursuant to 28 U.S.C. § 1441(a).

7. Furthermore, this Court has supplemental jurisdiction to hear Plaintiff's state law claim pursuant to 28 U.S.C. § 1367.

8. Venue is proper in this Court because the action is being removed from the Circuit Court of Saint Charles, Missouri, which lies in the Eastern District of Missouri. *See* 28 U.S.C. §§ 1441(a), 1446(a).

9. Attached hereto as Exhibit A are copies of all process, pleadings, and orders served on Ocwen in the State Court Action, as required by 28 U.S.C. § 1446(a) and Local Rule 81- 2.03. These pleadings include the Summons and Complaint.

10. This Notice of Removal is timely, as it is being filed within thirty (30) days after receipt of the initial pleading setting forth the claim for relief and within thirty (30) days of service of process. *See* 28 U.S.C. § 1446(b).

11. This action is not a non-removable action as described in 28 U.S.C. § 1445.

12. Promptly after filing this Notice, Ocwen will give written notice thereof to Plaintiff and will file a copy of this Notice with the Clerk of the Circuit Court of Saint Charles, Missouri, pursuant to 28 U.S.C. § 1446(d).

13. Ocwen expressly reserves all rights to move for dismissal of some or all of this action on any ground whatsoever and further reserves all other available defenses. Ocwen further reserves the right to submit additional evidence in support of removal as appropriate in future circumstances, or to amend this Notice.

WHEREFORE, Defendant Ocwen Loan Servicing, LLC hereby removes this action to the United States District Court for the Eastern District of Missouri, Eastern Division.

Dated: February 9 2018,

Respectfully submitted,

SPENCER FANE LLP

By: /s/ Ryan C. Hardy  
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*Counsel to Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via electronic mail and U.S. Mail first-class postage pre-paid, addressed to the following counsel of record, on this 9th day of February 2018.

Isaac J. Bressler  
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*Counsel to Plaintiff*

/s/ Ryan C. Hardy